

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79090 of 2019

Arising Out of PS. Case No.-190 Year-2019 Thana- HATHAURI District- Muzaffarpur

1. Pooja Kumari, Gender-Female, aged about 18 years, Daughter of Ram Jatan Rai Resident of Village - Rosi, P.S.- Hathaudi, District - Muzaffarpur
2. Phool Kumari Devi, Gender-Female, Aged about 35 years, Wife of Ganesh Rai Resident of Village - Bhushahi, Karmainia, P.S.- Bochahan, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Babita Kumari, Adv.
	:	Mr. Ajay Kumar Thakur
	:	Mr. Nilesch Kumar
For the Opposite Party/s :	:	Ms. Anita Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 19-03-2020

The petitioners, who are in custody since 11.10.2019, seek bail in connection with Hathaudi P.S. Case No. 190 of 2019, dated 10.10.2019, instituted for the offence under Sections 201, 302 read with 34 of the Indian Penal Code.

The informant is the grand-father of the deceased who has alleged that his grand son was taken out of the house on the pretext of going to a village fair. Shortly thereafter, the informant came to learn that his grand son had been taken away from the house under deceit, for the purposes of marrying him to the daughter of one Ram Jatan Rai. The informant along with others is said to have reached the house of the aforesaid Ram Jatan Rai where he and his associates were misbehaved with. They are said to have



come back to their home. Only on 10.10.2019, the informant learnt that dead body of his grand son is lying in a ditch. The informant therefore suspected the hands of Ram Jatan Rai and his associates who have been named in the F.I.R.

The petitioners are the daughter and sister of aforesaid Ram Jatan Rai respectively who have not been named in the F.I.R.

The learned counsel for the petitioners has drawn the attention of this Court to the fact that the informant has remained absolutely evasive with respect to the date on which the victim/deceased was taken away from his house for visiting the village fair. The reason to point out this fact is that if the deceased had been kept in confinement at the house of Ram Jatan Rai, there was no reason for the informant to have delayed the lodging of the F.I.R. This therefore appears to be a case which has been lodged as an afterthought, after the dead body of the deceased was recovered.

One cannot but discount that something of the kind of proposal of marriage would have come from the side of Ram Jatan Rai and his associates but the sequence of events narrated in the F.I.R. do not inspire confidence. There was no reason for the informant to have waited for so long.

Apart from this, there is no witness in the



investigation papers to ascertain as to the method of killing the deceased.

One of the accused persons who has not been named in the F.I.R. but is stated to be one of the relatives of aforesaid Ram Jatan Rai has been granted bail by a Bench of this Court on 18.01.2020 in Criminal Misc. No. 83728 of 2019.

Considering the aforestated facts and taking into account the period of custody as well as the gender of the petitioners, they are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Muzaffarpur (East) in connection with Hathaudi P.S. Case No. 190 of 2019.

The application stands allowed.

(Ashutosh Kumar, J)

GAURAV S./-

U		T	
---	--	---	--

